

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

IN RE MGM INTERNATIONAL RESORTS
DATA BREACH LITIGATION

Case No.: 2:20-cv-00376-GMN

This Document Relates To: All actions.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TANYA OWENS, et al.

Plaintiffs,

v.

MGM RESORTS INTERNATIONAL

Defendant.

Master File No. 2:23-cv-01480-GMN
(Consolidated for pretrial proceedings with
Case Nos. 2:23-cv-1481, 2:23-cv1537,
2:23-cv-1549, 2:23-cv-1550, 2:23-cv1577,
2:23-cv-1698, 2:23- cv-1719, 2:23-cv1777,
2:23-cv-1826, 2:23-cv- 1981, 2:23-cv2042,
2:23-cv-2064, 2:24-cv-81, 2:24-cv-00995,
2:24-cv-00999)

**ORDER GRANTING PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT AND APPLICATION FOR
ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS AND FINAL JUDGMENT**

On January 17, 2025, after extensive arms-length negotiations, and private mediation conducted before Bruce Friedman, Esq., with JAMS in Las Vegas, Plaintiffs and Defendant entered into the Settlement Agreement, which is subject to review under Fed. R. Civ. P. 23, for monetary damages as set forth in the Agreement.

On January 17, 2025, the Plaintiffs filed the Agreement with the Unopposed Motion for Preliminary Approval of Class Action Settlement and Memorandum of Law. (Case No. 2:20-cv-00376-GMN, ECF No. 243; Case No. 2:23-cv-01480-GMN, ECF No. 62.)

On January 22, 2025, upon consideration of the Agreement, Motion for Preliminary Approval, and the record, the Court entered the Preliminary Approval Order. (Case No. 2:20-cv-00376-GMN, ECF No. 244; Case No. 2:23-cv-01480-GMN, ECF No. 63.) Pursuant to the Preliminary Approval Order, the Court, among other things, (i) provisionally certified the Settlement Class for settlement purposes; (ii) appointed the Plaintiffs as Class Representatives; (iii) appointed John Yanchunis, Doug

McNamara, E. Michelle Drake, David Berger, J. Gerard Stranch IV, Lynn Toops, James Pizzirusso, Gary Klinger, and Jeff Ostrow as Class Counsel for the Settlement Class; (iv) approved the form of the Notices and the Notice Program; (v) approved the Claim Form and the Claim process; (vi) appointed Epiq Class Action & Claims Solutions, Inc. as the Settlement Administrator; (vii) established procedures and deadlines for members of the Settlement Class to opt-out of or object to the Settlement; and (viii) scheduled the Final Approval Hearing at which time the Court would consider whether to grant Final Approval of the Settlement and the Application for Attorneys' Fees, Costs and Service Awards. *Id.*

On April, 1, 2025, the Parties filed their Joint Motion to Approve Amendment to Settlement Agreement and Modify Notice Program (Case No. 2:20-cv-00376-GMN, ECF No. 250; Case No. 2:23-cv-01480-GMN, ECF No. 72), which the Court granted (Case No. 2:20-cv-00376-GMN, ECF No. 251; Case No. 2:23-cv-01480-GMN, ECF No. 73).

On May 2, 2025, Plaintiffs filed the Motion for Final Approval of Class Action Settlement and Application for Attorneys' Fees, Costs, and Service Awards. (Case No. 2:20-cv-00376-GMN, ECF No. 257; Case No. 2:23-cv-01480-GMN, ECF No. 77.) Pursuant to the Motion for Final Approval, the Parties request Final Approval of the proposed class action Settlement, and awards of attorneys' fees and costs to Class Counsel and Service Awards to the Class Representatives. *Id.*

On June 18, 2025, a Final Approval Hearing was held on the Motion for Final Approval and Application for Attorneys' Fees, Costs, and Service Awards. Class Counsel appeared for the Plaintiffs and Settlement Class, and Defendant's Counsel appeared for Defendant.

Having received and considered the Settlement, the supporting papers filed by the Parties, and the evidence and argument received by the Court before entering the Preliminary Approval Order and at the Final Approval Hearing, the Court grants Final Approval of the Settlement and the Application for Attorneys' Fees, Costs, and Service Awards, enters this order, and **IT IS HEREBY ORDERED:**

1. **INCORPORATION OF DEFINED TERMS:** This order incorporates the definitions of all capitalized terms defined in Section II of the Settlement Agreement, and all capitalized terms used in this order have the same meanings as set forth in that Agreement.

2. **JURISDICTION:** The Court has subject matter jurisdiction over the Action and

1 personal jurisdiction over the Parties and Settlement Class Members.

2 3. **NOTICE PROGRAM AND CLAIMS PROCESS**: Pursuant to the Court's
3 Preliminary Approval Order, the Settlement Administrator has complied with the approved Notice
4 Program as confirmed in its declaration filed with the Court. The form and method for notifying the
5 Settlement Class of the Settlement and its terms and conditions was in conformity with this Court's
6 Preliminary Approval Order and satisfied the requirements of Fed. R. Civ. P. 23(c)(2)(B) and due
7 process, and constituted the best notice practicable under the circumstances. The Court finds that the
8 Notice Program was clearly designed to advise the Settlement Class members of their rights. Further,
9 the Court finds that the Claim Process set forth in the Agreement was followed and that the process
10 was the best practicable procedure under the circumstances.

11 4. **FINAL CLASS CERTIFICATION**: The Court again finds the Actions satisfy the
12 applicable prerequisites for class action treatment under Fed. R. Civ. P. 23, namely:

13 a. The Settlement Class members are so numerous that joinder of all of them in the Lawsuit
14 would be impracticable;

15 b. There are questions of law and fact common to the Settlement Class members, which
16 predominate over any individual questions;

17 c. The claims of Plaintiffs are typical of the claims of the Settlement Class members;

18 d. Plaintiffs and Class Counsel have fairly and adequately represented and protected the
19 interests of all the Settlement Class members; and

20 e. Class treatment of these claims will be efficient and manageable, thereby achieving an
21 appreciable measure of judicial economy, and a class action is superior to other available methods for
22 a fair and efficient adjudication.

23 5. **CERTIFICATION OF SETTLEMENT CLASS**: The Court finally certifies the
24 following Settlement Class:

25 All persons in the United States whose Private Information was accessed during the
26 Data Incidents.

27 Excluded from the Settlement Class are the judges presiding over the Actions and members of their
28 direct families.

6. **APPOINTMENTS**: Consistent with the Preliminary Approval Order, the Court hereby appoints the following as Class Representatives, Class Counsel, and Settlement Administrator:

- a. The appointment of Plaintiffs as Class Representatives is affirmed;
- b. The appointment of Plaintiffs' counsel, John Yanchunis, Doug McNamara, E. Michelle Drake, David Berger, J. Gerard Stranch IV, Lynn Toops, James Pizzirusso, Gary Klinger, and Jeff Ostrow, as Class Counsel is affirmed; and
- c. The appointment of Epiq Class Action & Claims Solutions, Inc. as Settlement Administrator is affirmed.

7. **SETTLEMENT TERMS REASONABLE**: The Court finds that the Settlement of the Actions, on the terms and conditions set forth in the Agreement, is in all respects fundamentally fair, reasonable, adequate, and in the best interests of the Settlement Class, applying the Fed. R. Civ. P. 23(e)(2) factors and Ninth Circuit's traditional *Churchill* factors.

8. **FINAL APPROVAL**: The Agreement, which has been filed with the Court and shall be deemed incorporated herein, and the proposed Settlement is finally approved and shall be consummated in accordance with the terms and provisions thereof, except as amended by any order issued by this Court.

9. **OPT-OUTS**: A list of the individuals who have opted-out of the Settlement is attached as *Exhibit A*. Those individuals will not be bound by the Agreement or the Releases contained therein.

10. **OBJECTIONS**: Settlement Class Members were given an opportunity to object to the Settlement. There is only one objection to the Settlement. (*Owens* ECF No. 89-1). The objection is from Settlement Class Member Gregory Price. Objector Price did not appear at the Final Approval Hearing. The Court has considered the objection. The Court's Preliminary Approval Order required that all objections be submitted 30 days before the Final Approval Hearing (i.e., May 19, 2025), and provided that an objection shall be deemed to have been submitted when posted if received with a postmark date indicated on the envelope if mailed first-class postage. See (ECF No. 244 at 10-11. The envelope containing Objector Price's objection was postmarked with a date of May 20, 2025 (although the actual objection included a date of May 1, 2025). The objection is untimely. On that ground alone, the Court overrules the objection. Regardless, this Court finds the objection is not

meritorious and therefore overrules it on the ground as well. The objection's basis for opposing Final Approval is that: (a) there is inadequate consideration; (b) the release of claims is overbroad; (c) there is a lack of transparency in that the Settlement fails to disclose the tier allocation methodology and claims rate projections; and (d) the requested attorneys' fees are unreasonable. (*Owens* ECF No. 89-1 at 1-3). While the Court recognizes that the Settlement may not be satisfactory for all Settlement Class Members, the Court has determined that the Settlement Class Member Benefits offered here (Documented Loss Cash Payments, Tier Cash Payments, and Financial Account Monitoring) are fair, reasonable, and adequate under the *Churchill* factors. Further, as per paragraph 12 below, the Court finds the requested attorneys' fees are reasonable. The legal authority cited in the objection does not persuade the Court that the Settlement or the request for attorneys' fees should not be approved.

11. **SETTLEMENT BINDING:** This order is binding on all Settlement Class Members, except those individuals who validly and timely opted-out from the Settlement Class.

12. **SERVICE AWARDS; ATTORNEYS' FEES AND COSTS:**

a. The Class Representatives are awarded reasonable Service Awards, applying the factors in *In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 946 (9th Cir. 2015). Plaintiffs Ryan Bohlim, Duke Hwynn, Larry Lawter, Kerri Shapiro, Gennady Simkin, Robert Taylor, and Victor Wukovits in the 2019 Action shall receive \$10,000 each. Plaintiffs Tonya Owens, Emily Kirwan, David Zussman, David Lackey, Michael Pircio, David Terezo, Ronald G. Rundell, Laura Willis Abrigo, Anita Johnson, Paul Zaro, Michael Manson, Kyle Sloan, Michelle Righetti, Edgar Mejia, and DuJun Johnson in the 2023 Action shall receive \$3,500 each. The Service Awards shall be paid out of the Settlement Fund in accordance with the Agreement.

b. Class Counsel are awarded \$13,500,000 for attorneys' fees and \$801,631.96 for costs. These payments shall be made out of the Settlement Fund in accordance with the Agreement. The Court evaluated settlement Class Counsel's request using a common fund analysis, applying the factors set forth in *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048 (9th Cir. 2002), and concludes that amount is fair and within the range of reason.

13. **VALID CLAIMS:** Based on the information presented to the Court, the Claim process has proceeded as ordered and consistent with the Agreement and Preliminary Approval Order. The

1 distribution plan for Settlement Class Member Benefits proposed by the Parties in the Agreement is
2 fair, reasonable, and adequate. All Settlement Class Members who submitted Valid Claims shall
3 receive their Settlement Class Member Benefits pursuant to the Settlement's terms. All Settlement
4 Class Members who did not submit a Claim, or for whom the Claim is determined to be invalid, shall
5 still be bound by the terms of the Settlement and Releases therein.

6 14. **PAYMENT OF SETTLEMENT ADMINISTRATION COSTS:** The Parties are
7 authorized to approve the payment of the Settlement Administration Costs to the Settlement
8 Administrator from the Settlement Fund, in an amount not to exceed \$6,997,408.

9 15. **RELEASE OF CLAIMS AND DISMISSAL OF LAWSUIT:** As of the Effective
10 Date, Plaintiffs and all Settlement Class Members and Releasing Parties, and persons purporting to
11 act on their behalf, are permanently barred and enjoined from commencing or prosecuting, either
12 individually or as a class, or in any other capacity, any of the Released Claims against any of the
13 Released Parties, as set forth in the Agreement, against any of the Released Parties in any action or
14 proceeding in any court, arbitration forum, or tribunal. The Released Claims are compromised,
15 discharged, and dismissed with prejudice by virtue of these proceedings and this order.

16 16. **RESIDUAL FUNDS:** In the event there are funds remaining in the Settlement Fund,
17 including from uncashed checks, within 45 days following the 180-day check negotiation period, the
18 Court approves the distribution of all remaining funds to UNLV Cyber Clinic
19 (<https://freecyberclinic.org/about>).

20 17. **JURISDICTION RETAINED:** The Court hereby retains and reserves jurisdiction
21 over: (1) implementation of this Settlement and any distributions of Settlement Class Member
22 Benefits to the Settlement Class Members; (2) the Action, until the Effective Date, and until each and
23 every act agreed to be performed by the Parties shall have been performed pursuant to the terms of
24 the Agreement, including the exhibits appended thereto; and (3) all Parties, for the purpose of
25 enforcing and administering the Settlement.

26 18. In the event the Effective Date of the Settlement does not occur, the Settlement shall be
27 rendered null and void to the extent provided by and in accordance with the Agreement, and this order
28 and any other order entered by this Court in accordance with the terms of the Agreement shall be

1 vacated, *nunc pro tunc*. In such event, all orders entered and releases delivered in connection with the
2 Settlement shall be null and void and have no further force and effect, shall not be used or referred to
3 for any purpose whatsoever, and shall not be admissible or discoverable in any proceeding. The
4 Action shall return to its status immediately prior to execution of the Agreement.

5 19. **ENTRY OF JUDGMENT**: There being no just reason for delay, the Clerk of Court is
6 hereby directed to enter final judgment forthwith pursuant to Fed. R. Civ. P. 58.

7 **DATED** this 18 day of June, 2025.

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10 Gloria M. Navarro, District Judge
11 UNITED STATES DISTRICT COURT
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EXHIBIT A**Opt-Out List**

Arnold	Abraham
Robert	Agazaryan
Marlin	Agoub
Rey	Amaro Jr
Kellie	Anderson
Lydia	Anderson
Paul	Angel
Valentin	Angles
Patricia	Anglin
Juanita	Arguellez
Maria	Avalos
Zachary	Barbour
Stephanie	Barker
Jeremy	Barnes
David	Barnes
Ruby	Barrios
Raymond	Baur
Israel	Beltran-Felix
Erica	Benavides
Tricia	Berens
Max	Blumen
Jason	Bonnema
Michael	Boyd
Stefania	Buraglia
Aaron	Burnley
Joshua	Burns
Christina	Camerlingo
Jasmine	Carson
Roberto	Cerda
Mireya	Chavez
Lesa	Chhin
Natalia	Clavijo
Connor	Clegg
Kevin	Clines
Archie	Colburn
Jessica	Coleman
Daniel	Confair
Evelyn	Confair
Alfredia	Conner
Michael	Conway
Andrew	Corrington

1	Leticia	Davila
	Darin	Davis
2	Vincent	Delcastillo
3	Jacqueline	Delcastillo
	Barbara	Dement
4	Julia	Denton
	Kevin	Dierker
5	John	Doyle
6	Gary	Drago
	Blasé	Drexler
7	Lisa	DuBose
8	Robert	Dunn
	Jorge	Duran
9	Kimberly	Erickson
10		Estate of Wesley Kish
	Jonah	Ezell
11	Adrian	Farias
12	Julio	Ferrer
	Jerry	Flagg
13	Robert	Flowers
14	Trent	Folse
	Lawrence	Freiman
15	Felicia	Freitas
16	Earl	Gandy
	Anita	Garcia
17	Lissa	Gates
	Anne	Gault
18	Martha	Gil
19	Chip	Gilbert
	Chris	Goble
20	Ricardo	Gonzalez
21	Robert	Gonzalez Sr.
	Laurie	Greenfield
22	Rudolf	Grodzen
23	David	Guaderrama
	Alberto	Guillermo
24	Angela	Hall
25	Susan	Harrison
	Richard	Hartley
26	Mary	Hartley
	Marilyn	Hawranik
27	Monica	Hernandez
28	Randall	Hicks
	Shauna	Hilgers
	Tim	Hill

1	Taylor	Hill
	Kenneth	Hill
2	Michael	Holtgrewe
	Candy	Huang
3	Michael	Huang
	Kyle	Hunter
4	Vardan	Indzhikushyan
5	Felix	Jimenez
	Katherine	Johns
6	Darryl	Johns
7	Jennifer	Johnson
	Kevin	Jones
8	Craig	Kadden
9	David	Kamsler
	Barbara	Kanehiro
10	Pauline	Kanehiro (deceased)
11	David	Kauffman
	Barbara	Kennard
12	Jason	Knight
13	Vasily	Korovkin
	Tawn	Kreider
14	Paul	Kreider (deceased)
15	Mark	Kukreja
	Steven	Kulakowski
16	Travis	Lamb
17	Carol	Larinto
	Saul	Lassoff
18	Shirley	Lassoff
19	Samuel	Lassoff
	Steven	Lee
20	Diana	LeMay
21	Mark	L'Esperance
	Jonathan	Levy
22	Joey	Liender
	Robert	Lilburne
23	Michael	Lin
24	Chris	Linder
	Winston	Liu
25	Kenneth	Ludwig
26	Peter	Lum
	Jose	Madrid
27	Yovinka	Mallo
	Roland	Manalo
28	Jennifer	Maquinacez
	Shelby	Marsh

1	Louis	Marshall
	Daniel	Martz
2	Michael	Mathison
	Mitchell	Mayhew
3	Ashley	Maylevi
	John	McClary II
4	Patsy	Melatti
	Sheree	Mendoza
5	Juan	Mendoza
	Irakli	Mgalobely
6	Anwar	Monroy
	Kimberly	Moon
7	Kerushen	Morgan
	Noah	Morningstar
8	Brian	Morrison
9	Sharon	Moser
10	Tony	Moser
	Alec	Mouradjanyan
11	Jamie	Nagy
	Wayne	Nakahara
12	Karen	Nelson
	Hong	Nguyen
13	Riksha	Nguyen (Formerly George)
	Matthew	North
14	Amir	Nurani
	Marcelo	Pacheco
15	Patrick	Paige
	Moon Ho	Park
16	Titapa	Payne
	Richard	Pedroza
17	Steven	Penn
	Christina	Perez
18	Thurman	Pinder
	Patrice	Pinder
19	Gwendolyn	Pinder
	Eddie	Pool
20	Kathleen	Powell
	Vanessa	Price
21	Warren	Prince
	Shelby	Purcell
22	Jane	Qi
	Jayna	Querin
23	Travis	Radtke
	Jerry	Ramos
24	Shoaib	Razzaq

1	Loa	Reynolds
	Monte	Reynolds
2	Joseph	Ricci
	Lainie	Rideout
3	Cara	Ridge
	Anna	Rincon
4	Jason	Rist
	Jose	Robles
5	David	Rosenstiel
	Benjamin	Roth
6	Octavio	Ruiz
	Edward	Ruiz
7	M	Ruiz
	M. Alice	Ruiz
8	Al	Russ
	Patrick	Russo
9	Charles	Rutledge
	Connie	Rutledge
10	Ashu	Sackett
	Mike	Safaie
11	Irvin	Salgado
	Joseph	Samo
12	Stacey	Sanchez
	David	Santiago
13	Audrey	Schlorholtz
	Heath	Schweitzer
14	Ryan	Sensenig
	Robert	Severino
15	Rose	Severino
	Leah	Smith
16	Jennifer	Smith
	Robert	Snyder
17	Kunthea	Sok
	Christina	Solis
18	Grace	Solomon
	Taivon	Sterling
19	Daniel	Stevens
	Chad	Sthele
20	Nathan	Stoll
	Karen	Suarez
21	Erick	Suarez
	Annette	Szawan
22	Richard	Szucs
	Beverly	Szucs
23	Michael	Tang

1	Andrew	Tedesco
2	Robert	Terrell
3	Vanessa	Terrell
4	Sally	Thielbar
5	Alan	Thierfeldt
6	Stacey	Thompson
7	Matthew	Tollefsrud
8	Pat	Tran
9	Jesus	Valls
10	Samantha	Vannetter
11	Lewis	Vigil
12	Ellen	Wakefield
13	Andrew	Wang
14	Shawn	Warnecke
15	Neil	Weiser
16	Shane	Whitley
17	Dara	Wilson
18	Jacqueline	Wilson
19	William	Wineland, Jr
20	Tyler	Winkelmann
21	Teresa	Wood (Formerly Prunty)
22	Glenda	Woodring
23	Ashlynn	Woods
24	Dikan	Xing
25	Michelle	Yang
26	Kristopher	Young
27	Yi	Zou
28	Aleksei	Zubkov